

REMARKS

This is responsive to the Office Action mailed April 29, 2005 in which the Examiner rejected claim 32 under 35 USC 112, first paragraph, as failing to comply with the enablement requirement, rejected claims 30, 32-34, 36 and 46-49 under 35 USC 103(a) as being unpatentable over Reick in view of Johnson et al. or vice versa.

Applicant respectfully traverses these grounds for rejection.

Initially, applicant points out that the Examiner's 112 and 103(a) rejections of claim 32 are in error, as pursuant to applicant's February 17, 2005 Amendment filed herein, applicant earlier withdrew, without prejudice, claim 32 after pointing out its disagreement with the Examiner's grouping of claim 32 in the elected Group III. As previously stated, claim 32 should have been grouped into Group IV.

Accordingly, the Examiner's 112 and 103(a) rejections of claim 32 should be withdrawn, as if never made, with no prejudice to applicant.

Applicant disagrees with the Examiner's rejections of claims 30, 33, 34, 36 and 46-49 under 103(a) as being unpatentable over Reick in view of Johnson et al. or vice versa, as applicant does not believe the Examiner has fulfilled his obligations under the applicable rules of specifically pointing out the motivation for combining the Reick and Johnson references. The general and conclusory statements repeated for each rejection in the Office Action, that "it would have been obvious for one of ordinary skill in the art to use Reick as it is, or to replace Reick's clip with Johnson's clip if the user wants to use the device while maintaining the device with its supporting element" does not meet the

clear requirements of providing motivation for the combination laid down by the Board of Patent Appeals or the Court of Appeals for the Federal Circuit.

Accordingly, while applicant has herein amended claims 30 and 46 to assert additional structure not found in either Reick or Johnson, and has therefore overcome the rejections of these independent claims, applicant has made these amendments without prejudice to later fully argue these (and possibly other) deficiencies in the Examiner's basis for his rejections based upon Reick and Johnson. Claims 30 and 46 have been amended to recited to "at least one rail extending from the attachment device" and to communication of the at least one rail with a channel in the communication device. Support for these limitations are found in the specification at least at page 10, line 10 through page 11, line 13, and in Figs. 3-4B.

Applicant has also cancelled claim 36 herein, without prejudice and added new dependent claims 50-62, which additions do not add any new matter. Claims 50-55 are additional dependent claims off of independent claim 46, while claims 56-62 are additional dependent claims off of independent claim 30.

The claims presently pending in the application are therefore, claims 30, 33, 34 and 46-62.

A request for a two-month extension is enclosed, along with a check in the amount of \$225 to cover the extension fee for a small entity for two months. Applicant does not believe any additional fees are required for the addition of claims 50-62, as there are now pending in the application only 2 independent claims (30 and 46) and 19 total claims. In the event there are any additional fees due and owing in connection with this

matter, or there are any overpayments herein, please charge same to our Deposit Account No. 11-0223.

Dated: September 29, 2005

Respectfully submitted,

By 

Michael R. Gilman

Registration No.: 34,826

KAPLAN GILMAN GIBSON & DERNIER LLP

900 Route 9 North

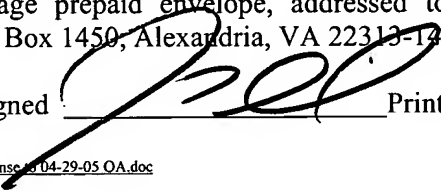
Woodbridge, New Jersey 07095

(732) 634-7634

Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail, in a postage prepaid envelope, addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on September 29, 2005.

Dated September 29, 2005 Signed  Print Name Michael R. Gilman

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